

**2. RESPONSE/REMARKS**

**2.1 STATUS OF THE CLAIMS**

*Claims 1, 8, 9, 16, 27-36, 38, 41, 45, 56, and 58-60 were pending at the time of the Restriction Requirement/Species Election.*

*Claims 56 and 58-60 drawn to non-elected inventions have been withdrawn herein without prejudice and without disclaimer.*

*Claims 41 and 45 have been amended herein.*

*Claims 65 and 66 have been added herein.*

*Claims 1, 8, 9, 16, 27-36, 38, 41, 45, 56, 58-60, and 65-66 are now pending in the case.*

**2.2 RESTRICTION**

The Office has taken the position that the pending claims are drawn to two inventions that are allegedly not linked so as to form a single general inventive concept under 35 U. S. C § 121.

The inventions are set forth by the Office are as follows:

Group I     Claims 1, 8, 9, 16, 27-36, 38, 41, and 45, drawn to a recombinant adeno-associated viral vector (rAAV) comprising at least a nucleic acid encoding a biologically active mammalian Factor VII peptide operably linked to at least a first promoter;

Group II    Claims 56, 58, 59, and 60, drawn to an *in vivo* method of using a rAAV comprising at a least nucleic acid encoding a biologically active mammalian Factor VII peptide operably linked to at least a first promoter; and

Group III    Claims 56, 58, 59, and 60, drawn to an *ex vivo* method of using a host comprising a rAAV comprising at a least nucleic acid encoding a

biologically active mammalian Factor VII peptide operably linked to at least a first promoter.

Applicants hereby elect, without traverse, to prosecute the subject matter of the **Group I invention**. Claims directed to the Group II and Group III inventions have been withdrawn from consideration without prejudice and without disclaimer. Applicants explicitly reserve the right to re-file claims directed to the non-elected subject matter in suitable divisional and/or continuing applications as desired.

### **2.3 SPECIES ELECTION**

With respect to the species election, Applicants, having elected the Group I invention, further elect, without traverse, the human Factor VII polypeptide species “**SEQ ID NO:2**,” and the nucleotide species “**SEQ ID NO:1**,” encoding a human Factor VII polypeptide.

All pending claims read on the elected species. Claims 1, 8, 9, 16, 27-36, 38, 41 and 45 are generic. Applicants understand that initial examination of the generic claims on the merits will be conducted only with respect to the nucleotide sequence of SEQ ID NO:1, and the encoded polypeptide sequence of SEQ ID NO:2, until such time as the initially selected species are found allowable.

Newly added claims 65 and 66 are directed to the elected species.

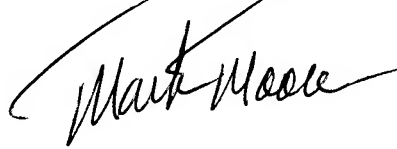
Applicants note for the record their intent for rejoinder and consideration of the remaining species when allowability of claims directed to the elected species, SEQ ID NO:1 and SEQ ID NO:2 is achieved.

## 2.4 CONCLUSION

Applicants believe this to be a full, timely, and complete response to the referenced Restriction Requirement and Species Election. It is respectfully submitted that the pending claims are proper for initial examination on the merits, and Applicants believe that the pending claims are fully supported by the Specification.

Should the Examiner have any questions, or wish to discuss Applicants election in more detail, a telephone call to the undersigned Applicants' representative would be welcome.

Respectfully submitted,



Mark D. Moore  
Registration No.: 42,903

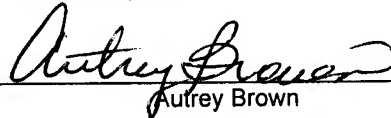
Date: March 28, 2007

HAYNES AND BOONE, LLP  
901 Main Street, Suite 3100  
Dallas, Texas 75202-3789  
Telephone: 713-547-2040  
Facsimile: 214-200-0853

36689.250  
H:667179\_1

**Certificate of Service**

I hereby certify that this correspondence is being filed with the U.S. Patent and Trademark Office via EFS-Web on March 28, 2007.

  
Audrey Brown